



WASHINGTON PLANNING BOARD

Special Called Meeting

Monday, May 2, 2016

7:00 pm

I. Opening of the meeting

II. Invocation

III. Roll call

IV. Old Business

1. Ordinance Amendment: Conversion of Single Family Homes to Multi-Family in the B1-H Zoning District

V. New Business

1. Rezoning Request

Donald Ayers requests to rezone a 2.19 acre parcel of land on the north side of River Road, between Pamlico Drive and Magnolia Drive, just east of Washington. The property is identified by the Beaufort County Tax Office as parcel # 5695-03-6479 and is currently zoned R15-S (Residential). The proposed zoning requested is for B-2 (Business / Commercial).

VI. Other Items

1. City of Washington – Extra-Territorial Jurisdiction (ETJ)
2. Downtown Leased Parking

VII. Approval of minutes – March 22, 2016

VIII. Adjourn

Please Note Change in Meeting Date!

Old Business

Ordinance Amendment

Conversion of Single Family Homes

Proposed Conversion Ordinance

Section 40-303. Conversion of a Single Family Dwelling in the B1H Zoning District to Contain Not More than Three (3) Dwelling Units.

Single-family dwellings in the B1H may be altered into not more than 3 dwelling units by Special Use Permit issued by the Board of Adjustment, after a public hearing and examination of the location and plans for such alteration, upon due proof to the satisfaction of the Board that conversion will not be unduly detrimental to adjacent and surrounding property nor to the zoning district in which same is located.

The following standards shall apply to conversions in the B1H Zoning District.

- (a) The exterior design of the structure will not be changed from the character of a single family dwelling;
- (b) The structure for which the Special Use Permit has been granted shall not be enlarged by any change to the exterior walls or roof;
- (c) No variance of any sort shall be issued in conjunction with the use for which the Special Use Permit has been granted;
- (d) No structure shall be altered to accommodate more than one family for each ten thousand square feet of area of the lot;
- (e) Each dwelling unit shall have a minimum gross floor area of 800 square feet;
- (f) Off-street parking facilities shall be provided at the rear of the lot and at least one (1) parking space per unit is required.
- (g) The new dwelling units will adhere to and meet or exceed all current building, safety, health, fire codes and any other applicable codes, by-laws, regulations and ordinances.

ARTICLE II. DEFINITIONS

Section 40-24. Usage.

- (a) The numbers, abbreviations, terms and words used in these regulations shall be used, interpreted, and defined as this article provides; words or terms not defined shall have their customary dictionary definition. Words or terms defined in other articles shall have the definitions provided in that article.
- (b) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; words used in the singular include the plural; the word "herein" means "in these regulations;" the word "regulations" means "these regulations;" words of any gender shall be applicable to all genders.
- (c) A "person" includes a corporation, a partnership, and an incorporated or unincorporated association of persons such as a club; "shall" is always mandatory; "may" is permissive; a "building" or "structure" includes any part thereof.
- (d) When any requirement of these regulations result in a fraction of a number unit, then a fraction of one-half ($\frac{1}{2}$) or more shall be considered as the next higher whole number or unit and a fraction of less than one-half ($\frac{1}{2}$) shall be disregarded. This provision shall apply to numbers including but not limited to parking requirements, numbers of dwelling units, vegetation requirements, and square footage computations.

Section 40-25. Words and terms defined.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

Accessory Building. A subordinate building or structure located on the same lot as, and detached from, the principal building, the use of which is an accessory use to that of the principal building.

Accessory Dwelling Unit. A dwelling unit that exists either as part of a principal dwelling or an accessory building and is secondary and incidental to the use of the property as a single-family residence.

Accessory Use. A use which meets the following conditions:

- (1) a use located on the same lot as the principal use, whether located in the same building, is an accessory use of land;
- (2) is incidental to and subordinate to the principal use;

Proposed Changes – Zoning Ordinance

this ordinance, bingo games and parlors shall be considered as game centers. (See definition of Billiard parlor/pool room)

Common Area. All areas, including private streets, conveyed to an owner's association within a development or owned on a proportional undivided basis in a condominium development.

Condominium. The ownership of single units in a multi-unit structure with common areas and facilities. Such structures may contain one or more stories, and may include any permissive group housing development type including, but not limited to, garden apartment, multi-family dwelling, attached dwelling or two-family dwelling units.

Condominium Development. Two (2) or more condominium units for residential use with their principal building or group of buildings, accessory buildings, common areas and courtyards on a lot as authorized by the condominium development regulations of this ordinance.

Condominium Unit. An enclosed space consisting of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories designed for residential use, and shall include such accessory spaces and areas as may best described in the declaration of covenants and restrictions, such as garage space, balcony, terrace or patio, provided it has a direct exit to a street or to a given common space leading to a street.

Congregate Care Facility. A facility providing shelter and services for ambulatory individuals at least fifty-five (55) years of age who by reason of age, functional impairment, or infirmity may require meals, housekeeping, and personal care assistance. Congregate care facilities do not include nursing home or similar institutions devoted primarily to the care of the chronically ill or the incurable.

Convenience Store. Any food-personal merchandise store which sells at retail only prepackaged food and beverage products, personal toiletries, sundries, over-the-counter medications, household supplies, magazines, and the like in combination from a limited inventory and does not stock fresh vegetables, produce, poultry or meats, has a total lot coverage not to exceed 4,000 square feet, and which may or may not offer made-to-order food or drink. Billiard and pool tables are not permitted within convenience stores.

Conversions. The act or process of changing from a single family dwelling unit into a multi-family dwelling unit.

County, State or Federal Government Building or Use. Any building, structure or use of the county, state or federal government or their various subparts. The term shall include offices, libraries, fire stations, sheriff department, court, recreation facilities, and parks. All government buildings or uses shall only be allowed in accordance with the table of permitted and special uses for the particular district.

ARTICLE XI. MULTI-FAMILY DEVELOPMENT

Section 40-287. Applicability.

The standards established in Section 40-288 through 40-298 shall apply to new construction and conversions of all multi-family development in residential zoning districts. Multi-family development in the B-1H zoning district shall be subject to the standards are established in Sections 40-299 through 40-302 40-303.

Section 40-302 40-288. *Conversion of Single Family Dwellings Units in the Residential Historic District.*

No existing single family dwelling unit located in the Residential Historic District (RHD) shall be altered so as to accommodate a two-family or multi-family dwelling unit. Notwithstanding any other provision of this article, any single family dwelling unit previously converted to another use, including , but not limited to, a use as a two family or multi-family dwelling unit, shall be treated as a nonconforming situation or use for the purposes of this article. All new construction of two-family or multi-family units in the Residential Historic District (RHD) shall meet standards set forth in this article.

Section 40-288 40-289. Procedures; Required Review, Contents.

- (a) Required Review. The developer shall submit a development plan to the Department of Planning and Development for review and approval prior to the issuance of any construction or building permits in accordance with the following:
 - (1) Site Plan Approval. For one (1) structure containing three (3) or more attached dwelling units and/or two (2) or more dwelling structures located on a common lot.
 - (2) Preliminary and Final Subdivision Plat Approval. Shall be required in accordance with the Subdivision Ordinance of the City of Washington.
- (b) Contents. The contents shall be as necessary to determine and insure compliance with the standards, conditions, and restrictions of the Zoning and Subdivision Ordinances and related laws. Specific site design elements, submission requirements, and procedures shall be in accordance with Article XVIII of this chapter, pertaining to site plan review.

Section 40-289 40-290. Density.

The minimum lot area requirement per dwelling unit is as follows:

- (a) One (1) bedroom unit: two thousand three hundred (2,300) square feet (net) per unit.

- (b) Two (2) bedroom unit or greater: 2,900 square feet (net) per unit.
- (c) For purposes of this section, the area within any public street right-of-way shall not be used to determine the net area.

Section 40-290 40-291. Open Space.

- (a) Thirty (30) percent of the net area shall be reserved as common and/or private open space.
- (b) Public and/or private streets, driveways, off-street parking area, and principal and accessory structures shall not be used in calculating or meeting the open space requirement.
- (c) Recreation areas may be counted as open space provided impervious surfaces constitute no more than fifty (50) percent of such recreation area.
- (d) Detached accessory structures shall not cover more than twenty (20) percent of any individually designated, reserved, or common area.

Section 40-290 40-292. Development Standards.

- (a) Lot Dimensions. Development standards for lot dimensions in multi-family developments are as follows:
 - (1) Net area: fifteen thousand (15,000) square feet.
 - (2) Primary width: Seventy-five (75) feet at the minimum building line, for the first dwelling.
 - (3) A secondary width of fifteen (15) feet shall be provided for each additional dwelling unit.
- (b) Setbacks for Principal Structures. Development standards for setbacks for principal structure in multi-family developments are as follows:
 - (1) Front Yard/Public street right-of-way: Twenty-five (25) feet.
 - (2) Private street easement: Ten (10) feet.
 - (3) Group development peripheral boundary: Twenty (20) feet.
 - (4) Single structure peripheral boundary:
 - a. Side - Ten (10) feet
 - b. Rear - Twenty (20) feet

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- (c) **Setbacks for Accessory Structures.** Developmental standards for setbacks for accessory structures in multi-family developments are as follows:
 - (1) Public street right-of-way: Twenty-five (25) feet.
 - (2) Private street easement: Ten (10) feet.
 - (3) Peripheral boundary: In accordance with Article VII, Bufferyards/Landscaping Requirements.
 - (4) No accessory structure to any multifamily structure or dwelling unit shall be located in any front yard.
 - (5) Specific accessory structures such as satellite dish antennae and swimming pools shall comply with the applicable provisions of Article VI, Dimensional Standards of Districts, Modifications, and Special Standards.
- (d) **Setbacks for Recreation Areas.** Developmental standards for setbacks for recreation areas in multi-family developments are as follows:
 - (1) Active. No portion of an active recreation area shall be located within the peripheral boundary setback or less than twenty (20) feet from any dwelling unit.
 - (2) Passive. May be located within the peripheral boundary setback in accordance with the bufferyard regulations, as shown in Section 40-293 below.
- (e) **Building Separation within Group Developments Containing Two (2) or More Principal Structures on One (1) Lot of Record.**
 - (1) No portion of a principal structure front or rear building wall elevation shall be located less than forty (40) feet from an adjacent principal structure front or rear building wall elevation as measured at ninety (90) degrees, except as provided herein.
 - (2) No portion of a principal structure side building wall elevation shall be located less than twenty (20) feet from an adjacent principal structure as measured at ninety (90) degrees, except as provided herein.
 - (3) Single family and two family attached group developments shall be exempt from subsections (1) and (2) above provided such structures meet all other requirements of this section.
 - (4) No portion of any principal structure shall be located less than sixteen (16) feet from any other principal structure as measured to the closest point.

- (5) No two (2) units or structures shall be considered attached unless such units or structures share a minimum five (5) foot common party wall.
- (6) Architectural extensions including but not limited to bay windows, chimneys, open porches and decks, roof overhangs, and balconies shall not be considered in calculating building separation provided such encroachments are not more than three (3) feet.
- (f) Building Height. No structure shall exceed thirty-five (35) feet in height above the property grade unless the required setbacks and building separations are increased one (1) foot for each one (1) foot or fraction thereof of building height in excess of thirty-five (35) feet.
- (g) Building Length. No continuous unit or series of attached units shall exceed a combined length of two hundred sixty (260) feet.

Section 40-292 40-293. Recreation Area Requirement (private).

- (a) Private recreation area requirements in multi-family developments shall not apply to developments that:
 - (1) Contain less than two (2) net acres; and
 - (2) Are located within a one-half (½) mile radius of a public recreation area.
- (b) Common recreation area shall be provided at a ratio of one hundred (100) square feet per dwelling unit.

Section 40-293 40-294. Bufferyard Requirements.

Bufferyard requirements shall be in accordance with Article VII, of this chapter pertaining to bufferyards/landscaping requirements. Bufferyard vegetation improvements may be phased to coincide with the construction of buildings, provided such phasing is set forth on the approved site plan of the development.

Section 40-294 40-295. Parking Requirements.

- (a) Parking requirements in multi-family developments by number of spaces are as follows:
 - (1) One (1) bedroom unit: One and one-half spaces
 - (2) Two or more (2) bedroom unit: Two (2) spaces
- (b) All off-street parking areas designed for three (3) or more spaces shall be in accordance with Article XVII, of this chapter, pertaining to parking.

Section ~~40-295~~ 40-296. Garbage/Trash Container Pad Locations.

- (a) No common garbage/trash container pad shall be located closer than twenty (20) feet to any dwelling structure.
- (b) Each common garbage/trash container pad required to service the development shall be located within two hundred (200) feet of the dwelling units such container is intended to serve.

Section ~~40-296~~ 40-297. Private Streets.

Private streets may be allowed pursuant to the standards of Chapter 34, pertaining to subdivisions.

Section ~~40-297~~ 40-298. Compliance with Subdivision Standards.

All development regulated in accordance with this section shall be subject to the requirements, conditions, and restrictions of Chapter 34, pertaining to subdivisions, whether or not the subject tract is actually divided for the purpose of transferring title.

Section ~~40-298~~ 40-299. Applicability.

The standards established in Sections 40-299 through 40-302 shall apply only in the B1H zoning district.

Section ~~40-299~~ 40-300. Development Standards in B1H Zoning District.

The following development standards apply in the B1H Zoning District.

- (a) Minimum Lot Area. One thousand (1,000) square feet per unit.
- (b) Minimum Lot Width. N/A.
- (c) Minimum Front, Side, and Rear Yard Setbacks. Zero (0).
- (d) Minimum Parking. One-half (0.5) spaces per bedroom.
- (e) Parking Location Requirements. All required parking and parking for which bonuses are obtained must be within eight hundred (800) feet of the building they are to serve. Leased parking shall be in accordance with the applicable provisions of Article XVII of this chapter, pertaining to parking.
- (f) All off-street parking areas designed for three (3) or more spaces shall be in accordance with Article XVII of this chapter, pertaining to parking.
- (g) Street Frontage Use Requirements. All ground floor street frontage shall be developed for nonresidential uses, as permitted in the applicable zone. When

new construction occurs for residential purposes, located in a flood zone, and off street parking is placed at ground level, the nonresidential provision does not apply.

- (h) Preservation Design. All applicable Historic District Guidelines shall be met and appropriate review shall be made by the Historic Preservation Commission, in accordance with Article XV of this chapter, pertaining to special districts.
- (i) Signage. All signs shall be erected in accordance with Article XVI of this chapter, pertaining to signs, but in no event shall be mounted over existing windows, doors, or other significant architectural features.

Section 40-300 40-301. Residential Density Bonus Provisions in B1H Zoning District.

A project shall be eligible for a residential density bonus (by way of a lot area per unit reduction) if space is provided within the project for the uses, improvements, or facilities set forth below:

- (a) Off Street Parking, Nonresidential. The minimum ratio shall be one space per 1000 square feet of gross nonresidential area.
- (b) Cultural/Entertainment Facilities. Such facilities shall be open to the public on a regular basis, and shall be limited to:
 - (1) Visual Arts Space. Facilities that provide space for the viewing of performing arts, including but not limited to exhibition halls, galleries, concert halls, or theaters. Such space shall occupy not less than fifteen (15) percent of the total floor area of the portion of the building used for residential purposes.
 - (2) Motion Picture Theaters. Facilities that provide indoor space for the showing of motion pictures.
- (c) Pedestrian Circulation Improvements. Improvements to which the public is assured access on a regular basis, or an area that is dedicated to and accepted by the City for public access purposes. Such improvements shall be directly accessible to existing pedestrian circulation areas, and limited to:
 - (1) Businesses allowing pedestrian access through at least two (2) entrances opening to different streets, sidewalks, open spaces, and/or parking lots.
 - (2) Arcades. A continuous but not necessarily enclosed space which extends along the facade of a building and has at least two (2) entrances opening directly to a street, open space, or sidewalk or

Proposed Changes – Zoning Ordinance

which runs through a building and connects a street, open space, or sidewalk to another street, open space, or parking lot.

- (3) Plaza. A continuous area which is open to the sky for its entire width and length, which fronts on a street, sidewalk, widening, or parking lot, and which is directly accessible to the public at all times for passive recreational purposes. The ground level of the plaza shall be constructed mainly of hard-surfaced materials, and shall be landscaped and lighted. An existing open space for which no such improvements are planned shall not qualify.
- (d) Child or Adult Day Care Facility.
- (e) Historic Structure/Rehabilitation. This bonus is applicable to those projects qualifying for the Historic Rehabilitation Tax Credit, as approved by the North Carolina Division of Archives and History and the United States Department of Interior.

Section 40-301 40-302. Schedules of Residential Bonuses for B1H Zoning District.

For each amenity provided above, the project will be eligible to reduce the required lot area by the number of square feet indicated below. The maximum lot reduction allowed shall be two hundred fifty (250) square feet per unit.

REDUCTION PER UNIT	AMOUNT OF LOT AREA PROJECT AMENITY
Parking, Commercial	125 square feet
Cultural/ Entertainment	250 square feet
Pedestrian Circulation	
-Front and Rear Access	125 square feet
-Arcade	250 square feet
-Plaza	250 square feet
Day Care	250 square feet
Historic Structure/Rehabilitation	250 square feet

Section 40-302. Conversion of Single Family Dwellings Units in the Residential Historic District.

No existing single family dwelling unit located in the Residential Historic District (RHD) shall be altered so as to accommodate a two-family or multi-family dwelling unit. Notwithstanding any other provision of this article, any single family dwelling unit previously converted to another use, including, but not limited to, a use as a two-family or multi-family dwelling unit, shall be treated as a nonconforming situation or use for the purposes of this article. All new construction of two-family or multi-family units in the Residential Historic District (RHD) shall meet standards set forth in this article.

Section 40-303. Conversion of a Single Family Dwelling in the B1H Zoning District to Contain Not More than Three (3) Dwelling Units.

Single-family dwellings in the B1H may be altered into not more than 3 dwelling units by Special Use Permit issued by the Board of Adjustment after public hearing and examination of the location and plans for such alteration, upon due proof to the satisfaction of the Board that conversion will not be unduly detrimental to adjacent and surrounding property nor to the zoning district in which same is located.

The following standards shall apply to conversions in the B1H Zoning District.

- (a) The exterior design of the structure will not be changed from the character of a single family dwelling;
- (b) The structure for which the Special Use Permit has been granted shall not be enlarged by any change to the exterior walls or roof;
- (c) No variance of any sort shall be issued in conjunction with the use for which the Special Use Permit has been granted;
- (d) No structure shall be altered to accommodate more than one family for each ten thousand square feet of area of the lot;
- (e) Each dwelling unit shall have a minimum gross floor area of 800 square feet;
- (f) Off-street parking facilities shall be provided at the rear of the lot and at least one (1) parking space per unit is required.
- (g) The new dwelling units will adhere to and meet or exceed all current building, safety, health, fire codes and any other applicable codes, by-laws, regulations and ordinances.

Sections 40-303 40-304 – 40-312. Reserved.

B1H BUSINESS HISTORIC DISTRICT

B1H		
Permitted Uses	Developmental Standards	Special Use Permits
ABC Stores	Athletic Fields	Billiard Parlors
Acc. Dwell Units, Attached	Churches	Care Taker Dwellings
Accessory Uses and Structures	Elementary & Secondary Schools	Clubs or Lodges
Account, Audit or Bookkeeping	Government Offices	Conversions
Ad Agencies or Representatives	Home Occupation	Fish Market
Admin or Management Services	Kennels or Pet Grooming Facilities	Hospice Homes
Ambulance Services	Libraries	Marinas
Antique Stores	Public Parks	Multifamily Dwellings
Appliance Stores	Public Recreation Facilities	
Arts and Crafts	Satellite Dishes/T.V. & Radio Ant.	
Auditor, Coliseums, or Stadiums	Swimming Pools	
Auto Supply Sales	Temporary Events	
Automobile Parking	Townhouse & Condominium	
Auto Park Lots, Grade Level		
Bakeries		
Banks, Savings or Credit Unions		
Barber Shops		
Beauty Shops		
Bingo Games		
Bookstores		
Bowling Centers		
Building Maintenance Services		
Bldg Supply Sales(no stor yard)		
Cake Decorating Supply Stores		
Camera Stores		
Candle Shops		
Candy Stores		
Civic, Trade, or Business Org.		
Clothing Alterations or Repair		
Clothing, Shoe and Acc. Stores		
Coin Operated Amusements		
Coin, Stamp or Collectable Shop		
College or University		
Comm or Broadcasting Facilities		
Computer Maintenance & Repair		
Computer Sales		
Computer Services		
Contactors, General Building		
Cosmetic Shops		
Courier Service Substations		
Dairy Products Stores		
Dance Schools		
Depmnt, Variety, or Gen. Merc.		
Drugstores		
Econ, Soci, Educ. Research		
Engineer, Architect, or Survey		
Fabric or Piece Goods Stores		
Farmers Market		
Finance or Loan Offices		

B1H BUSINESS HISTORIC DISTRICT

	B1H	
Permitted Uses	Permitted Uses	
Fire Stations	Real Estate Offices	
Flea Markets, Indoors	Record, Tape, and CD Stores	
Floor Cov, Drap, or Upholstery	Restaurants, Conventional	
Florists	Retreat Centers	
Food Stores	School Admin. Facilities	
Funeral Homes or Crematoriums	Security Services	
Furniture Repair Shops	Shelter, Emergency	
Furniture Sales	Shoe Repair & Shoeshine Shops	
Garden Centers or Retail Nurs.	Single Family Detached	
Gardens	Skating Rinks	
Gift or Card Shops	Sporting Goods Store	
Hardware Stores	Sports & Rec Clubs, Indoor	
Hobby Shops	Sports Instructional Schools	
Home Furnishings, Misc.	Stationery Store	
Hotels or Motels	Stock, Sec, or Comm Brokers	
Insurance Agencies (on site)	Tanning Salons	
Insurance Agencies (no on site)	Taxidermists	
Internal Service Facilities	Television or Radio Studios	
Jewelry Stores	TV, Radio, or Electronic Repairs	
Laundromats, Coin Operated	TV, Radio, or Electronic Sales	
Laundry or Dry Cleaning Plants	Theaters, Indoor	
Laundry or Dry Cleaning Subst	Tire Sales	
Law Offices	Tobacco Store	
Luggage or Leather Goods	Tourists Homes (B & B)	
Martial Arts Instruction Schools	Travel Agencies	
Medical or Dental Labs	Two Family Dwellings	
Medical, Dental, or Related Off	Utility Company Offices	
Miscellaneous Retail Sales	Utility Lines and Appurtenances	
Motion Picture Productions	Utility Substations	
Multifamily Dwellings	Veterinary Services	
Museums or Art Galleries	Video Tape Rental & Sales	
Musical Instrument Sales	Voca, Busi, or Sece Schools	
Newsstands	Watch or Jewelry Repair Shops	
Noncommercial Research Org.		
Office Machine Sales		
Office Uses Not Classified		
Optical Goods Sales		
Paint and Wallpaper Sales		
Pawnshops or Used Mer Stores		
Pet Stores		
Photo Finishing Laboratories		
Photocopying & Dupl Services		
Photography Studios		
Photography, Commercial		
Physical Fitness Centers		
Police Stations		
Post Offices		
Printing and Publishing		
Pump Stations		



Rezoning Request

River Road, Donald Ayers

Property Address: North side of River Road, between Pamlico Drive and Magnolia Drive

Acreage: 2.19 Acres

Legal Description: Beaufort County Tax Parcel 5695-03-6479
Deed Book 993, Page 406

Existing Zoning: R15-S

Proposed Zoning: B-2

Petitioner's rezoning application, property map and supporting documents are attached.

Action requested by Board:

After staff presentation, public hearing and Board discussion, make recommendation to City Council.

City of Washington
Department of Planning and Development
Rezoning Request Application
 Page 1: Ownership, Property and Zoning Request Information

Date: _____ Fee: 150.00

OWNERSHIP INFORMATION

Applicant Name: Estate of Dora Ayers (Donald Ayers)

Address: 1195 Ayers Lane Williamston NC 27892

Phone No.: 252-714-5159

Applicant's Legal Interest in the Property:

Executor of Estate / Owner

Owner: ~~Executor of~~ Estate of Dora Ayers / Donald Ayers

Address: 1195 Ayers Lane Williamston NC 27892

Phone No.: 252-714-5159

Date Property Acquired:

Deed Reference: 993-406

PROPERTY INFORMATION

Tax Map:

Parcel Number: 5695-03-6479

Area (square feet or acres): 2.2 ± acres

Current Land Use: vacant land

Location of Property: River Road / Pamlico Village

ZONING REQUEST INFORMATION

Existing Zone: R15S

Requested Zone: B-2

Reason for zoning change and a statement regarding the changing conditions, in the area and in the City, that makes the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

Property is for sale, covenants of Pamlico Village state this property is commercial

Continue to Page 2 of the Rezoning Request Application

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City of Washington
Department of Planning and Development
Rezoning Request Application

Page 3: Legal Description and Owner/Agent Statement

LEGAL DESCRIPTION (Metes and Bounds Description):

To Wit: 2.2 ± acres Pamlico Village

Location: Pamlico Village

OWNER/AGENT STATEMENT

I, Donald Ayers, being the Owner or Agent acting on behalf of the owner request that the attached rezoning request of 5695-03-6479 be placed on the agenda of the Planning Board meeting scheduled for 4 / 26 / 16.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief. I authorize the City of Washington to place a sign on the property in question for the purpose of alerting the general public of my request, no less than seven (7) days prior to the meeting.

I understand that failure to address any item in these requirements may result in the rezoning not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

Signature:

Donald T. Ayers

Date:

4-5-16

NOTE:

Agents acting on behalf of property owners must submit a notarized letter from the property owner which gives them authority to act on their behalf.

Return to: [[Home](#)] [[Planning & Development](#)] [[Zoning Applications & Forms](#)]



Subject Property Facing Southeast



Subject Property Facing Northwest



Rezoning Request – River Road



Zoning Map Rezoning Request – River Road



102 East Second Street
Washington, NC 27889
252-975-9383

April 15, 2016

Subject: Rezoning Request

Dear Adjoining Property Owner:

The Department of Planning and Inspections has received a request from Donald Ayers to rezone a 2.19 acre parcel of land on the north side of River Road, between Pamlico Drive and Magnolia Drive, just east of Washington. The property is identified by the Beaufort County Tax Office as parcel # 5695-03-6479 and is currently zoned R15-S (Residential). The proposed zoning requested is for B-2 (Business / Commercial).

The Planning Board will hold its public hearing on the rezoning request at the following date and time:

Date: Monday, May 2, 2016

Place: City Council Chambers - City Hall - Municipal Building, 102 East Second Street. Enter from the Market Street side of the building and go to the second floor.

Time: 7:00 P.M.

The public is welcome to attend this public hearing and present evidence either in support of or in opposition to the request. After the public hearing, the Planning Board will review the request and forward a recommendation to City Council for final action.

During the meantime, should you have any questions, please feel free to call the Department of Planning and Development at 975-9317 during normal business hours Monday through Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,

A handwritten signature in black ink, appearing to read 'Glen Moore', written over a horizontal line.

Glen Moore
Planning Administrator

Name	Address	City	State	Zip
Kim Muray	6791 Clarks Neck Road	Washington	NC	27889
Charles Yates	104 Camelia Way	Washington	NC	27889
Sherry Glover	2825 Robersonville Road	Washington	NC	27889
Evealine Moseley	202 Magnolia Drive	Washington	NC	27889
Ryan Adams	201 Magnolia Drive	Washington	NC	27889
Magnolia Shores Inc.	PO Box 818	Washington	NC	27889
Deans Olive	PO Box 206	Washington	NC	27889
Dora Ayers	2866 Leggett Mill Road	Williamston	NC	27892
Mark Yates	101 Camelia Way	Washington	NC	27889
Stanley Edwards	107 Camelia Way	Washington	NC	27889
Taylor Oil Company	PO Box 40	Washington	NC	27889
Larry Ormond	103 Magnolia Drive	Washington	NC	27889
Michael Cahoon	203 Magnolia Drive	Washington	NC	27889
Andrew Duncan	204 Magnolia Drive	Washington	NC	27889
Edwin Youmans	208 Pamlico Drive	Washington	NC	27889

- Donald Ayers rezoning May 2 2016
- Adding properties within 500 feet
- Mailed notices April 15, 2016

R15S RESIDENTIAL - SINGLE FAMILY DISTRICT

[illegible]

B2 GENERAL BUSINESS DISTRICT

	B2	
Permitted Uses	Permitted Uses	Permitted Uses
Contactors, General Building	Insurance Agencies (on site)	Skating Rinks
Contractors (no outside storage)	Internal Service Facilities	Sport & Rec. Goods & Supplies
Convenience Stores (gas pumps)	Jewelry Stores	Sporting Goods Store
Convenience Stores (no gas)	Jewelry, Watches, & Stones	Sports & Rec Clubs, Indoor
Cosmetic Shops	Landscape & Horti. Services	Sports Instructional Schools
Country Clubs, Golf Courses	Laundromats, Coin Operated	Stationery Store
Courier Service Substations	Laundry or Dry Cleaning Plants	Stock, Sec, or Comm Brokers
Dairy Products Stores	Laundry or Dry Cleaning Subst	Tanning Salons
Dance Schools	Law Offices	Taxi Terminals
Day Care Centers, Adult (5 or <)	Luggage or Leather Goods	Taxidermists
Day Care Centers, Adult (6 or >)	Market Showrooms (furniture)	Television or Radio Studios
Day Care Centers, Child (5 or <)	Martial Arts Instruction Schools	Theaters, Indoor
Day Care Centers, Child (6 or >)	Medical or Dental Labs	Tire Sales
Depmnt, Variety, or Gen. Merc.	Medical, Dental, or Related Off	Tobacco Store
Drugs and Sundries	Miscellaneous Retail Sales	Toys & Hobby Goods & Supp.
Drugstores	Motion Picture Productions	Travel Agencies
Durable Goods, Sundries	Motor Vehi. Sales, New & Used	Truck & Semi Rental, Heavy
Econ, Soci, Educ. Research	Motorcycle Sales	Truck & Trailer Rental, Light
Electrical Goods	Museums or Art Galleries	Truck Driving School
Employment Agencies	Musical Instrument Sales	Truck Stops
Engineer, Architect, or Survey	Newsstands	TV, Radio, or Electronic Repairs
Equipment Repairs, Light	Noncommercial Research Org.	TV, Radio, or Electronic Sales
Fabric or Piece Goods Stores	Office Machine Sales	Utility Company Offices
Farm Implement Sales	Office Uses Not Classified	Utility Lines and Appurtenances
Farmers Market	Optical Goods Sales	Utility Service Faci. (no outside)
Finance or Loan Offices	Paint and Wallpaper Sales	Utility Substations
Fire Stations	Paper & Paper Products	Veterinary Services
Fish Market	Pawnshops or Used Mer Stores	Video Tape Rental & Sales
Flea Markets, Indoors	Pest or Termite Control Services	Voca, Busi, or Secre. Schools
Floor Cov, Drap, or Upholstery	Pet Stores	Wallpaper & Pain Brushes
Florists	Photo Finishing Laboratories	Warehouses, (gen. stor outside)
Flowers, Nurs.& Florist Supplies	Photocopying & Dupl Services	Watch or Jewelry Repair Shops
Food Stores	Photography Studios	
Funeral Homes or Crematoriums	Physical Fitness Centers	
Furniture & Home Furnishings	Police Stations	
Furniture Sales	Post Offices	
Garden Centers or Retail Nurs.	Printing and Publishing	
Gardens	Pro. & Comm. Equip & Supplies	
Gift or Card Shops	Pump Stations	
Go-cart Raceways	Real Estate Offices	
Golf Courses	Record, Tape, and CD Stores	
Golf Courses, Miniature	Recreational Vehicle Sales	
Golf Driving Ranges	Rehab. Or Counseling Services	
Groceries & Related Products	Restaurants, Conventional	
Hardware	Restaurants, Fast Food	
Hardware Stores	Retreat Centers	
Hobby Shops	School Admin. Facilities	
Home Furnishings, Misc.	Security Services	
Hotels or Motels	Service Stations, Gasoline	
Ice	Shelter, Emergency	
Insurance Agencies (no on site)	Shoe Repair & Shoeshine Shops	

B2 GENERAL BUSINESS DISTRICT

B2		
Permitted Uses	Developmental Standards	Special Use Permits
ABC Stores	Athletic Fields	Auto Repair Services, Major
Accessory Uses and Structures	Elementary or Secondary Schools	Bars
Account, Audit or Bookkeeping	Government Offices	Billiard Parlors
Ad Agencies or Representatives	Kennels or Pet Grooming Facilities	<i>Boat Storage, Dry Stack</i>
Admin or Management Services	Libraries	Care Taker Dwellings
Ambulance Services	Manufactured Home Sales	Clubs or Lodges
Antique Stores	Public Parks	Equip. Rental & Lease (outside)
Apparel, Piecegoods & Notions	Public Recreation Facilities	Equipment Repairs, Heavy
Appliance Stores	Satellite Dishes/T.V. & Radio Ant.	Flea Markets, Outdoor
Arts and Crafts	Swimming Pools	Fortune Tellers, Astrologers
Auditor, Coliseums, or Stadiums	Temporary Events	Marinas
Auto Park Lots, Grade Level		Recycling Collection Points
Auto Parking (commercial)		Refrigerator or Large Appli. Repairs
Auto Parking, Commercial		Stitching & Embroidery Shops
Auto Rental or Leasing		Telecommunication Towers
Auto Repair Services, Minor		Warehouses (self storage)
Auto Services (spray on bodies)		
Auto Supply Sales		
Auto Towing & Storage		
Bakeries		
Banks, Savings or Credit Unions		
Barber Shops		
Batting Cages		
Beauty Shops		
Bingo Games		
Bldg Supply Sales(no stor yard)		
Boat Repairs		
Boat Sales		
Books, Period, & Newspapers		
Bookstores		
Bowling Centers		
Building Maintenance Services		
Bus Terminals		
Cake Decorating Supply Stores		
Camera Stores		
Candle Shops		
Candy Stores		
Car Washes		
Churches		
Civic, Trade, or Business Org.		
Clothing Alterations or Repair		
Clothing, Shoe and Acc. Stores		
Coin Operated Amusements		
Coin, Stamp or Collectable Shop		
College or University		
Comm or Broadcasting Facilities		
Computer Maintenance & Repair		
Computer Sales		
Computer Services		

Map 6: City of Washington Comprehensive Plan

Future Land Use

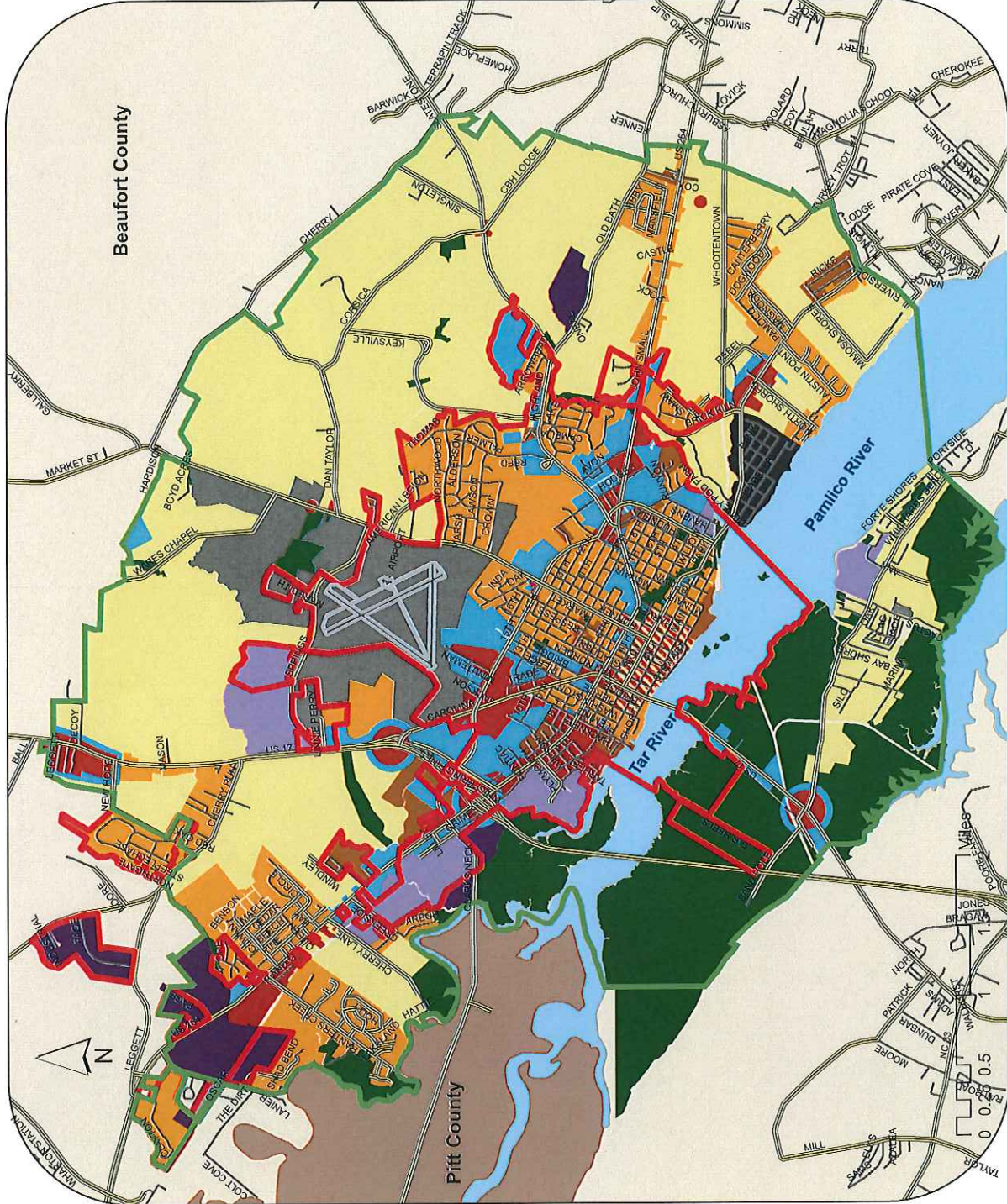
Legend City-wide

- Airport
- Extraterritorial Jurisdiction
- City of Washington Corporate Limits
- DOT Major Roads
- Roads
- Parcels
- Beaufort County
- Pitt County
- Town of Washington Park Planning Area

Future Land Use

- Conservation
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Commercial
- Heavy Industrial
- Light Industrial
- Office & Institutional
- Airport
- Commercial Node
- Neighborhood Commercial Node

CLARION ASSOCIATES
May 2012



WASHINGTON PLANNING BOARD

Regular Scheduled Meeting

Tuesday, March 27, 2016

7:00 PM

Members Present

Jane Alligood

John Tate

Dan McNeil

Marie Barber

Members Absent

Dot Moate

D. Howell Miller

Others Present

John Rodman, Director

Glen Moore, Planning Administrator

Jessica Green, Administrative Support

I. Opening of the meeting.

The Chairman called the meeting to order.

II. Invocation

Jane Alligood led in prayer.

III. Roll Call

A silent roll call was taken by staff.

IV. Old Business

None

V. New Business

1. Rezoning request

Dora Ayers requests to rezone a 2.19 acre of land on the north side of River Road, between Pamlico Drive and Magnolia Drive, just east of Washington. The property is identified by the

Beaufort County Tax Office as parcel # 5695-03-6479 and is currently zoned R15-S (Residential). The proposed zoning requested is for B-2 (Business/Commercial).

John Rodman came forward and stated that any time the Board has a rezoning request they cannot consider one particular use, they have to consider all the permitted uses and all the special uses that are allowed in the B2 zoning district. He explained that it is the applicant's choice to convey their intentions for the property, but the Board cannot consider that single use. Mr. Rodman also explained that this is not the final say; the City Council is the only one who can change the zoning, the Planning Board only makes a recommendation. He stated that the City Council will hear the recommendation at their April meeting.

Glen Moore came forward and explained the rezoning request and details about the tract and its location. He stated that included in their agenda were some pictures of the property and some aerial and zoning maps of the property. Mr. Moore stated that the property owner notice was also included in the agenda and this notice went out to all property owners that adjoin the property in question. He stated that he went further out and also notified the property owners that adjoined those properties. He explained that a rezoning sign was placed on the property and a legal ad ran in the newspaper. Mr. Moore then went through the actual rezoning application and a worksheet for the planning board to help with their decision. He then presented all the uses allowed in R15 and B2 zoning districts. Mr. Moore then discussed the City's Comprehensive Plan and the future land use plan for this particular tract of land. He explained that the applicants rezoning request to B2 is not consistent with the City's Comprehensive Land Use Plan.

The Chairman opened the floor. The applicant or someone representing them was not present and no one came forward to speak in favor of the request. The Chairman then opened the floor for those to wish to speak against the request.

Mark Yates, 101 Camilla Way, came forward and was sworn in. He stated that his family was the first to move into Pamlico Village, his 89 year old mother still lives there and he has lived in the neighborhood for 59 years. Mr. Yates stated that the corridor from Washington heading down River Road at one time was beautiful and had some of the most beautiful homes. He explained that it is almost shameful what has happened to that corridor over the years. He stated that this tract of land is about the only nice little green spot that is left. Mr. Yates then spoke about how the neighbor has changed over the years and how it has affected the area. He spoke about the crime in the area and how this rezoning could add to that. He stated that this could be one more little wrong that has a negative effect on the neighborhood. He spoke about some of the uses allowed in the B2 zoning and how it could affect the property owners and their property values. He stated that they do not want to worry about their property values dwindling or having to sell their homes and move. Mr. Yates stated that they are just a group of scared people, but he did appreciate the chance to speak their concerns to the Board. He asked the Board to put themselves in his shoes when considering this request and they do what they think

is fair and what they would want the board to do for them if they were a member of this neighborhood.

Stanley Edwards, 107 Camilla Way, was sworn in. He stated that he is very concerned about what type of business will be put on the property if it is rezoned. He also talked about the possibility of their property values being affected by what is put on the lot. I spoke about the neighborhood and stated that the residents are not happy about the rezoning. Mr. Edwards stated that like Mr. Yates he can see this property from his back porch and does not want to look at the back of a restaurant or a chain-link fence or any type of business.

Jeff Daily, 302 Magnolia Drive, was sworn in. He spoke about the long list of possible uses in the B2 zoning district. He explained that Pamlico Village is a subdivision and is protected by covenants. He stated that approve cannot supersede the covenants. He stated that he felt this conflict needed to be resolved before anything could happen. He stated that he agreed with the general consensus about value and impact on property. Mr. Daily then read from the covenants. He also reinforced the fact that B2 zoning does go against the City's Comprehensive Land Use Plan. Mr. Daily stated that the subdivision was brought into the ETJ to specifically protect the character of the neighborhood.

Kim Murray, 818 River Road, came forward and was sworn in. Ms. Murray also spoke strongly against the rezoning of the property.

Ed Newman, resident of Pamlico Village for 47 years, was sworn in. Mr. Newman read an expert from the Subdivision's covenants. He explained that based on the wording in the covenants any change has to have the approval of the majority of the Pamlico Village residents. John Tate, Chairman, stated that the issue with the covenants is a completely separate question from the zoning question. Mr. Tate stated that the homeowners themselves enforce their covenants on the property that they apply too. He explained that how the land is zoned is a larger subset of uses. He stated that if this property is included in the covenants then it is up to the homeowner to make sure a use not permitted under the covenants is not put on the property.

Kathy Hamilton, 218 Pamlico Drive, came forward and was sworn in. She stated that the one thing she thinks the board should consider, other than the fact that none of the residents want this rezoning, is the increased traffic that could come from a business being up on the lot. Ms. Hamilton also stated that all the homes are on septic systems, there is no sewage and how that is affected when commercial property comes in. She said these two issues should be considered.

Jeff Daily came forward again. He introduced the option of the Board continuing the decision for a period of 60 days to allow the residents of the neighborhood time to regroup.

There being no others coming forward the Chairman closed the floor.

John Tate again explained that anything the board decides is just a recommendation and the City Council has the final say on the rezoning. He encouraged them to attend the City Council meeting. Mr. Rodman again explained the process that the applicant must go through and why the City is involved. Mr. Rodman explained that this property is in the ETJ (City's zoning district). He stated that if the property was not located in the City's zoning district then they would not have any regulations to follow and the property owner could do whatever they wished with the property without any permission needed.

The Board discussed the request further and went through the worksheet/check list provided by staff.

Jane Alligood made a motion/recommendation to deny the rezoning request upon finding that the requested zoning does not advance the public interest and is unreasonable due to the following: incompatibility with the Comprehensive Plan and the impact to the surrounding community. Her motion was seconded by Marie Barber. The motion carried with a majority vote with Dan McNeil abstaining for the vote.

VI. Other Items

1. Converting single family home to multifamily ordinance

This item was continued to the next scheduled meeting.

VII. Approval of minutes

VIII. Adjourn

There being no other business Jane Alligood made a motion to adjourn. Her motion was seconded by Dan McNeil. All voted favor and the motion carried.